NEW MEXICO
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RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 18, 2016

Ms. Krista Harsono, Director of Compliance
Advanced Chemical Transport
1210 Elko Drive
Sunnyvale, CA 94089

Re: Industrial Storm Water; SIC HZ; NPDES Compliance Evaluation Inspection; Advanced Chemical Transport, Inc., NMU001913, April 1, 2016

Dear Ms. Harsono,

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, treatment scheme, and problems noted during this inspection are discussed in the "Further Explanations" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Gladys Gooden-Jackson
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
1445 Ross Avenue
Dallas, Texas 75202-2733

Bruce Yurdin
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Sarah Holcomb at 505-827-2798 or at sarah.holcomb@state.nm.us.

Sincerely,

/s/ Bruce Yurdin

Bruce J. Yurdin
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

cc: Rashida Bowlin, USEPA (6EN-AS) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Gladys Gooden-Jackson, USEPA (6EN-WM) by e-mail
Racquel Douglas, USEPA (6EN-WC) by e- mail
Everett Spencer, USEPA (6EN-WM) by e-mail
NMED District 1, William Chavez by e-mail
Doug Hopinkah, NMED Hazardous Waste Bureau, by e-mail
Jeff Smith, Advanced Chemical Transport, Operations Manager, by email

EPA

Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

1	Transaction Code	2	NPDES	11	yr/mo/day	17	Inspec. Type	18	Inspector	19	Fac Type	20
	N	5	NMU0019131		160401		C		S		2	

Remarks: TSDF SECTOR K

Inspection Work Days	67–69	Facility Evaluation Rating	70	BI	71	QA	72	73	74	75	Reserved	80
			1		N		N					

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*	Entry Time /Date	Permit Effective Date
ADVANCED CHEMICAL TRANSPORT INC., Bernalillo County, NM: From I-25, take the Osuna Road exit, head west to Edith Blvd, and turn left (South). ACT is at 6137 Edith Blvd.	0857 HOURS / 4-1-16	6-4-2015
	Exit Time/Date 0940 HOURS / 4-1-16	Permit Expiration Date 6-4-2020

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data
Jeff Smith, Operations Manager, ACT Ray Ortega, Branch Manager, ACT Bill Littleton, Operations Manager, ACT	N. 35° 8’ 38.31” W -106° 37’ 42.07”
Name, Address of Responsible Official/Title/Phone and Fax Number Ms. Krista Harsono, Director of Compliance Advanced Chemical Transport. 1210 Elko Drive, Sunnyvale, CA 94089	Contacted Yes [ ] No [*] Activity Code: HZ

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	M	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	U	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. **The inspector arrived at the facility at approximately 0857 hours on April 1, 2016 and conducted an entrance interview with Mr. Jeff Smith, Mr. Ray Ortega and Mr. Bill Littleton where she made introductions, presented credentials, and explained the purpose of the inspection. An exit interview was conducted with Mssrs. Smith, Ortega and Littleton on the day of the inspection at approximately 0940 hours where she presented the preliminary findings of the inspection.**
2. **Please see the report for further details.**

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Sarah Holcomb */s/ Sarah Holcomb*	**505-827-2798**	**4-18-16**
Signature of Management QA Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Bruce Yurdin */s/ Bruce Yurdin*	**505-827-2795**	**4-18-16**

Advanced Chemical Transport
Compliance Evaluation Inspection
NPDES Permit No. NMU00
April 1, 2016

Further Explanations

On April 1, 2016, a Compliance Evaluation Inspection (CEI) was conducted by Sarah Holcomb of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) at the Advanced Chemical Transport, Inc. Treatment, Storage and Disposal Facility (TSDF) located at 1637 Edith Blvd., Bernalillo County, New Mexico. The purpose of this inspection was to document the operator's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and U.S. Environmental Protection Agency (USEPA) industrial stormwater Multi-Sector General Permit (MSGP). Stormwater discharges from this site would be to the Albuquerque and/or Bernalillo County MS4, thence to the Rio Grande in segment 20.6.4.105 Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC). The main stem of the Rio Grande from Isleta Pueblo upstream to the Alameda Bridge has designated uses of irrigation, marginal warmwater aquatic life, livestock watering, public water supply, wildlife habitat and primary contact. Rio Grande Assessment Unit NM-2105_50 (Isleta Pueblo bnd to Alameda Bridge) is listed as not supporting primary contact and marginal warmwater aquatic life uses and is impaired for E. coli, dissolved oxygen, PCB in fish tissue, and temperature. A total maximum daily load for E.coli bacteria was written in 2010, which is available at NMED SWQB web site at http://www.nmenv.state.nm.us/swqb/Rio_Grande/Middle/index.html.

NMED performs a certain number of CEIs for the USEPA each year. The purpose of this inspection is to provide USEPA with information to evaluate the permittee's compliance with NPDES and the MSGP permit. This report is based on review of USEPA's on-line notice of intent (eNOI) database, files maintained by the operator and NMED, on-site observation by NMED personnel, and verbal information provided by the operator's representative.

Upon arrival at approximately 0857 hours on the day of the inspection, Ms. Holcomb made introductions, presented credentials to Mr. Jeff Smith, Operations Manager, Mr. Ray Ortega, Branch Manager, and Mr. Bill Littleton, Operations Manager, Advanced Chemical Transport and discussed the purpose of the inspection. The inspector and Mssrs. Smith, Ortega and Littleton toured the facility. Following the tour, an exit interview was conducted on site with the same parties. The inspector left the facility at approximately 0940 hours on the day of this inspection.

Federal Clean Water Act (CWA) and Industrial Stormwater Permit Requirements

Section 301 (a) of the Federal Water Pollution Control Act states that *"Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."* Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: *"Any person who discharges or proposes to discharge pollutants…must submit a complete application to the Director in accordance with this section and part 124 of this chapter."*

Eleven (11) categories of stormwater discharges associated with industrial activity are identified in 40 CFR 122.26(b)(14)(i)-(xi) that require coverage under an NPDES permit. Industrial stormwater has been regulated since the promulgation of USEPA's 1990 stormwater regulations, which established NPDES permit requirements for "stormwater discharges associated with industrial activity." Industrial

stormwater category (iv) in 40 CFR 122.26(b)(14), includes hazardous waste treatment, storage or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA.

USEPA's first MSGP for stormwater discharges associated with industrial activity was published on September 29, 1995 (Federal Register Volume 60, No. 189 on Friday 29, 1995, page 50953), and has since been reissued in 2000, 2008 and 2015. USEPA 2015 MSGP was re-issued effective June 4, 2015 (Federal Register/Vol. 80, No. 115/Tuesday, June 16, 2015 pg. 34403) and replaced the 2008 MSGP which expired on September 29, 2013. Appendix D (Facilities and Activities Covered) of the 2008 MSGP lists:

Sector SIC Activity Represented
Activity code HZ: Hazardous Waste Treatment, Storage or Disposal Facilities

To obtain permit coverage under the MSGP, an operator must complete, or update, a Stormwater Pollution Prevention Plan (SWPPP) that documents eligibility for permit coverage, and submit a notice of intent (NOI) to the USEPA. Among other things, requirements in the MSGP include site-specific best management practices (BMPs), maintenance plans, inspections, employee training and annual reporting. BMPs include good housekeeping practices, minimizing exposure, erosion and sediment control, and management of runoff. The MSGP also requires visual, and, for some sectors, analytical monitoring to determine the effectiveness of implemented BMPs.

The Federal Register notice announcing the proposed reissuance of the MSGP was published on September 27, 2013. Facilities that obtained coverage under the 2008 MSGP prior to its expiration were automatically granted an administrative continuance of permit coverage, and the administrative continuance will remain in effect until a new permit is issued. Facilities already covered under the 2008 MSGP are not required to submit a new NOI for permit coverage until the new MSGP is issued, and these facilities must continue to comply with all of the requirements in the 2008 permit, including requirements for monitoring and reporting. It does not appear that Advanced Chemical Transport had obtained coverage under the 2008 permit. The NOI submission deadline for existing facilities that did not have coverage under the 2008 MSGP was September 2, 2015 (Part 1.2.1.3 and Table 1-2 of the permit).

More information on USEPA MSGP is available at:
https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#overview

Associated Pollutants at TSDF Facilities
USEPA's 1995 MSGP lists pollutants associated with the various regulated sectors. For Sector K, the following USEPA Industrial Stormwater Fact Sheets provide a brief summary of the NPDES industrial stormwater permitting program, the types of facilities included in that sector, a summary of typical pollutants associated with each sector, and types of stormwater control measures (or Best Management Practices) used to minimize the discharge of those pollutants: https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series

Examples of pollutant listed in the USEPA Industrial Stormwater Fact Sheet K associated with hazardous waste processing and storage activities include bulk liquid/solid transfer, hazardous material storage, waste handling and disposal, vehicle and equipment fueling and maintenance, building and grounds maintenance and illicit discharges. Pollutants associated with hazardous waste processing and storage activities include acids, solvents, ammonia, hydroxides, detergents, fuels, Total Suspended Solids (TSS), Chemical Oxygen Demand (COD), pH, Biological Oxygen Demand (BOD), organic and inorganic

compounds, mixed waste which can limit recyclables, oil & grease, diesel, gasoline, antifreeze, sediments, nutrients and other toxicants. Requirements that apply to the specific subsectors are in Part 8 of the 2008 MSGP include the following benchmark monitoring:

Sector K Hazardous Waste Treatment, Storage, and Disposal Facilities (Activity Code HZ)

Table 8.K-1.		
Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector K1. ALL - Industrial Activity Code "HZ" (Note: permit coverage limited in some states). Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below).	Ammonia	2.14 mg/L
	Total Magnesium	0.064 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Total Arsenic (freshwater) Total Arsenic (saltwater)[1]	0.15 mg/L 0.069 mg/L
	Total Cadmium (freshwater)[2] Total Cadmium (saltwater)[1]	Hardness Dependent 0.04 mg/L
	Total Cyanide (freshwater) Total Cyanide (saltwater)[1]	0.022 mg/L 0.001 mg/L
	Total Lead (freshwater)[2] Total Lead (saltwater)[1]	Hardness Dependent 0.21 mg/L
	Total Mercury (freshwater) Total Mercury (saltwater)[1]	0.0014 mg/L 0.0018 mg/L
	Total Selenium (freshwater) Total Selenium (saltwater)[1]	0.005 mg/L 0.29 mg/L
	Total Silver (freshwater)[2] Total Silver (saltwater)[1]	Hardness Dependent 0.0019 mg/L

[1]Saltwater benchmark values apply to stormwater discharges into saline waters where indicated.

[2] The freshwater benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix J, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. Hardness Dependent Benchmarks follow in the table below:

Freshwater Hardness Range	**Cadmium** (mg/L)	**Lead** (mg/L)	**Silver** (mg/L)
0-24.99 mg/L	0.0005	0.014	0.0007
25-49.99 mg/L	0.0008	0.023	0.0007
50-74.99 mg/L	0.0013	0.045	0.0017
75-99.99 mg/L	0.0018	0.069	0.0030
100-124.99 mg/L	0.0023	0.095	0.0046
125-149.99 mg/L	0.0029	0.122	0.0065
150-174.99 mg/L	0.0034	0.151	0.0087
175-199.99 mg/L	0.0039	0.182	0.0112
200-224.99 mg/L	0.0045	0.213	0.0138
225-249.99 mg/L	0.0050	0.246	0.0168
250+ mg/L	0.0053	0.262	0.0183

On-Site Industrial Activities

This facility accepts various types of hazardous waste for processing, treatment and offsite shipment to final disposal locations. The facility includes a receiving/unloading dock, seven discrete indoor warehouse rooms segregated by type of waste (sorted by type of RCRA characteristic hazardous waste), and some outdoor storage of full (tarp covered) waste bins to be hauled off. Inert packing materials (i.e., boxes, bags, etc. that do not come into contact with the waste materials) are stored in the outdoor bins waiting to be hauled off. Two stormwater ponds are located in the back/West side of the building and were partially full on the day of this inspection. Facility representatives indicated that there had been a fire a few days prior to the date of this inspection, and the water present in the ponds was firefighting runoff water. There was still approximately 1-2 feet of freeboard available in the ponds.

On the day of this inspection (see photos), the site had processing and raw materials storage industrial activities, including outside storage and stockpiling of materials (e.g., waste products) and material handling that could come into contact with stormwater. Facility representatives did not readily have information on hand to show the design size calculations of the stormwater basins.

Findings

• Advanced Chemical Transport did not obtain coverage for stormwater discharges from the Albuquerque location, a hazardous waste treatment, storage and disposal facility in operation prior to June 4, 2015, with primary industrial, Sector K, activities, eligible under the USEPA NPDES Industrial Stormwater 2008 MSGP before the 2008 MSGP expiration date of September 29, 2013.

• Advanced Chemical Transport did not provide requested documentation (e.g., certified mail/return receipt tracking) of submission of an NOI by the deadline “No later than September 2, 2015” on the day of this inspection.

NMED/SWQB

Official Photograph Log
Photo # 1

Photographer: Sarah Holcomb	Date: 4-1-16	Time: 0916 hours *
City/County: Bernalillo County, NM		
Location: Advanced Chemical Transport, 6137 Edith Blvd.		
Subject: Loading dock with potential chemical storage. Facility representatives indicated that the materials shown here are not necessarily covered or moved in the event of a storm.		

* Camera was not adjusted for daylight savings time.

NMED/SWQB

Official Photograph Log
Photo # 2

Photographer: Sarah Holcomb	Date: 4-1-16	Time: 0917 hours *
City/County: Bernalillo County, NM		
Location: Advanced Chemical Transport, 6137 Edith Blvd.		
Subject: Loading dock with potential chemical storage. Facility representatives indicated that the materials shown here are not necessarily covered or moved in the event of a storm. The totes shown on the left side of the photograph were empty at the time of this inspection.		

* Camera was not adjusted for daylight savings time.

NMED/SWQB

Official Photograph Log
Photo # 3

Photographer: Sarah Holcomb	Date: 4-1-16	Time: 0917 hours *
City/County: Bernalillo County, NM		
Location: Advanced Chemical Transport, 6137 Edith Blvd.		
Subject: Facility receiving area. Totes shown on the right were empty at the time of this inspection.		

* Camera was not adjusted for daylight savings time.

NMED/SWQB

Official Photograph Log
Photo # 4

Photographer: Sarah Holcomb	Date: 4-1-16	Time: 0924 hours *
City/County: Bernalillo County, NM		
Location: Advanced Chemical Transport, 6137 Edith Blvd.		
Subject: Additional outdoor storage on the south side of the building. Tarp shown on dumpster is used to cover the dumpster in the event of rain. Totes shown at the west end of the dumpster were empty at the time of this inspection.		

* Camera was not adjusted for daylight savings time.

NMED/SWQB

Official Photograph Log
Photo # 5

Photographer: Sarah Holcomb	Date: 4-1-16	Time: 0925 hours *
City/County: Bernalillo County, NM		
Location: Advanced Chemical Transport, 6137 Edith Blvd.		
Subject: Additional outdoor storage on leased land to the south of the building. Note dumpsters have tarps as covers.		

* Camera was not adjusted for daylight savings time.

NMED/SWQB

Official Photograph Log
Photo # 6

Photographer: Sarah Holcomb	Date: 4-1-16	Time: 0928 hours *
City/County: Bernalillo County, NM		
Location: Advanced Chemical Transport, 6137 Edith Blvd.		
Subject: West side of the building, and one of two stormwater ponds present (the other pond is on the other side of the dock shown). Water in the pond is present from recent firefighting activities. Materials shown stored on the dock were empty at the time of this inspection.		

* Camera was not adjusted for daylight savings time.